

IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE: JEROME & BELINDA POLK,)	
)	
Select Portfolio Servicing, Inc. /)	
PNC Bank, National Association,)	
Creditor,)	CASE NO. 11B23104
vs.)	JUDGE JACK B. SCHMETTERER
)	
JEROME & BELINDA POLK,)	
Debtor,)	
)	

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

Now comes Select Portfolio Servicing, Inc. / PNC Bank, National Association, by and through its attorneys, Pierce & Associates, P.C., and requests that Confirmation be denied, stating as follows:

1. On May 31, 2011, the debtor filed the instant bankruptcy petition under Chapter 13 of the Bankruptcy Code (11 U.S.C. Sec. 1301 et seq.)
2. Select Portfolio Servicing, Inc. / PNC Bank, National Association services the mortgage lien on the real property commonly known as 233 Eastern Avenue, Bellwood, IL.
3. Paragraph E of the debtor's Chapter 13 Plan provides that the Chapter 13 Trustee shall pay Select Portfolio Servicing, Inc. / PNC Bank, National Association \$57,000.00 over the life of the Chapter 13 Plan.
4. However, the actual filed and allowed pre-petition mortgage arrears of Select Portfolio Servicing, Inc. / PNC Bank, National Association total \$67,984.15 which is greater than

the amount provided for in Paragraph E of the debtor's Chapter 13 Plan.

5. Plan paragraph B(2)(b) and (c) the debtor's Chapter 13 Plan impermissibly modifies the independent valid contractual rights of the mortgage holder pertaining when and how costs of collection for post-petition obligations may be assessed, allowed, and/or reimbursed by the debtor under the plan. See, 11 U.S.C. Sec. 1322(b).
6. The debtor's Chapter 13 Plan, by not properly paying the allowed, secured Proof of Claim filed by Select Portfolio Servicing, Inc. / PNC Bank, National Association, impermissibly modifies the rights of Select Portfolio Servicing, Inc. / PNC Bank, National Association, which is secured only by a mortgage lien on the real estate which is the debtor's principal residence. 11 U.S.C. Sec. 1322(b)(2).
7. The debtor's Chapter 13 Plan, by not properly paying the allowed, secured, Proof of Claim filed by Select Portfolio Servicing, Inc. / PNC Bank, National Association, does not "provide for the curing" of the pre-petition mortgage arrears of Select Portfolio Servicing, Inc. / PNC Bank, National Association. 11 U.S.C. Sec. 1322(b)(5).
8. A Proof of Claim "is deemed allowed, unless a party in interest objects" to it. 11 U.S.C. Sec 502.

9. No party in interest has filed an Objection to the Proof of Claim filed by Select Portfolio Servicing, Inc. / PNC Bank, National Association.

10. Select Portfolio Servicing, Inc. / PNC Bank, National Association has incurred reasonable fees as a result of this objection.

WHEREFORE, Select Portfolio Servicing, Inc. / PNC Bank, National Association respectfully prays that Confirmation of the debtor's Chapter 13 Plan be denied, and for such other and further relief as this Honorable Court deems just.

Respectfully Submitted,
Select Portfolio Servicing, Inc. /
PNC Bank, National Association

/s/Toni Dillon
Toni Dillon
ARDC#6289370

Pierce and Associates, P.C.
1 North Dearborn Street
Suite 1300
Chicago, Illinois 60602
(312)346-9088